

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

A SAMUEL'S CHRISTIAN HOME CARE,	}	
	}	No. 2:21-cv-01143-WSH
Plaintiff,	}	
	}	Judge Hardy
vs.	}	
	}	
CENTER FOR MEDICARE AND MEDICAID	}	
SERVICES, MICHELE CLINTON, LAUREN	}	
REINERSTEN, WARREN ALBERT, LINN DAWN	}	
and LINDA CHAMBERLAIN,	}	
	}	<i>Electronically Filed.</i>
Defendants.	}	

**COMMONWEALTH DEFENDANTS' MOTION TO DISMISS COMPLAINT**

AND NOW, come the Defendants, Albert, Dawn and Chamberlain (“the Commonwealth Defendants”), by their attorneys, Scott A. Bradley, Senior Deputy Attorney General, and Karen M. Romano, Chief Deputy Attorney General, Chief Litigation Section, and, pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, respectfully move this Court to dismiss the Complaint [ECF 1] heretofore filed by plaintiff A Samuel's Christian Home Care, upon the following grounds:

1. A Samuel's Christian Home Care (“Plaintiff”) appears to be a personal care home subject to state and federal regulation.
2. Plaintiff initiated the present action on or about August 30, 2021, by filing a *pro se* Complaint [ECF 1].
3. In the Complaint, Plaintiff seeks to raise a number of claims with respect to events pertaining to Plaintiff's regulation by the Center for Medicare and Medicaid Services and the Pennsylvania Department of Health.

4. Along with certain due process rights, Plaintiff purports to assert “Civil Rights Violation of Age, disability and Race. Civil Rights violation of ‘Accommodation.’” See Complaint [ECF 1], at § II.B.

5. The Commonwealth Defendants now move to dismiss the Complaint, for lack of subject matter jurisdiction as well as failure to state a claim upon which relief can be granted.

6. The Commonwealth Defendants have herewith filed a Brief in Support of this Motion, providing reasons in support of the foregoing assertion with greater particularity; the contents therein are incorporated by reference.

WHEREFORE, the Commonwealth Defendants respectfully request that the instant motion be granted and that all claims against the Commonwealth Defendants in their respective official capacities be dismissed and that all claims against the Commonwealth Defendants accruing prior to August 30, 2019, be dismissed.

Respectfully submitted,

JOSH SHAPIRO  
Attorney General

Office of Attorney General  
Litigation Section  
1521 Waterfront Place  
Mezzanine Level  
Pittsburgh, PA 15222

Phone: (412) 565-3586  
Fax: (412) 565-3019

Date: December 1, 2021

s/ Scott A. Bradley  
Scott A. Bradley  
Senior Deputy Attorney General  
Attorney I.D. No. 44627  
  
Karen M. Romano  
Chief Deputy Attorney General